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Case No.**REMARKS**

Reconsideration of the application is respectfully requested, in view of the following remarks.

The application is directed to edible compositions comprising a significant amount of carotenoids but without a significant change of color. Thus, the carotenoids which have been the subject of favorable reports for their health effects can be present in substantial levels without undesirable changes of color in the foods containing them. The invention is defined in claim 1 as edible compositions comprising recited levels of carotenoids and having a yellowness factor of less than 4000 and a yellowness index in the range of 1 to 90, the carotenoids being evenly distributed throughout the composition. In claim 20, encapsulates comprising carotenoids and titanium dioxide are recited.

The Office points to Runge et al. US Patent No. 6,261,598 for its disclosure of carotenoid formulations comprising a mixture of B-carotene, lycopene and lutein and its use in human and animal foods, cosmetics and pharmaceuticals. However, the Office points to no teaching to minimize the carotenoid color of the product, even less of the yellowness factor or yellowness index. Indeed, from column 3, line 60 through column 4, line 10, Runge et al. emphasize that the formulations can be used for coloring food products. Nor does the Office point to the encapsulates of claim 20 in Runge et al. Inherency cannot be established by mere possibilities. It is submitted that the Office has failed to show that applicants claimed formulas are anticipated by Runge et al.

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In view of the foregoing, it is respectfully requested that the application be allowed.

Respectfully submitted,



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